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**OCT 06 2004**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Miyoshi, et al.	:	
Application No. 10/737,273	:	<b>ON PETITION</b>
Filed: December 16, 2003	:	
Attorney Docket No. 17318	:	

This is a decision on the papers styled, "Response To Notice To File Missing Parts Of Non-Provisional Application and Petition Under 37 CFR 1.181," filed on August 23, 2004, which has been treated as a Petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of December 16, 2003, including Figures 5A-C as described in the specification.

The application was filed on December 16, 2003. However, on June 22, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Missing Parts of Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but Figures 5A-C as described in the specification appear to have been omitted.

In response, on August 23, 2004 the instant petition and one (1) sheet of drawings (which includes Figure 5A-C) were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "13 (thirteen) Formal Drawings," on December 16, 2003. A review of the application file indicates the presence of only twelve (12) sheets of drawings originally filed on December 16, 2003, with the sheet containing Figures 5A-C missing. It is assumed that the missing sheet of drawings containing Figures 5A-C was misplaced by the Office.

In view of the above, the petition is granted.

The \$130.00 petition fee has not been charged.

This application will be returned to OIPE for processing with a filing date of December 16, 2003, using the one (1) sheet of drawings, containing Figures 5A-C, that was submitted with the petition on August 23, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

A handwritten signature in black ink, appearing to read 'EJ Tannouse', with a long horizontal flourish extending to the right.

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
United States Patent and Trademark Office